IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 33861 of 2006(F)

PETITIONER:

USHADEVI P.R., AGED 48 YEARS,
W/O.PARAMESWARAN, THULUVAN PARAMBIL HOUSE,
PUZHACKAL P.O., THRISSUR DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY (HOME) GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
THRISSUR TOWN WEST POLICE STATION,
THRISSUR.

3. THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE, AYYANTHOLE P.O., THRISSUR.

4. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE P.O.,
THRISSUR.

5. THE GEOLOGIST, MINING & GEOLOGY
DEPARTMENT, NEAR GROUND, AYYANTHOLE P.O.,
THRISSUR.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.33861 OF 2006-F

Dated this the 21st day of December, 2006

JUDGMENT

The petitioner is the owner of a Tipper Mini Lorry bearing Registration No. KL-8 /AH-7032. It was seized by the second respondent on 27-11-2006 while it was carrying red soil. According to the petitioner, carrying of red soil is not an offence and no permit is necessary for the same. Though the petitioner attempted to get the vehicle released, from police, those attempts have become futile because of the commissions and omissions of the second respondent. So, she was constrained to file this writ petition. Owing to the illegal acts of the second respondent she has suffered substantial damage and she prayed for a direction to the second respondent to pay damages.

2. The learned Government Pleader, upon instruction, submitted that the vehicle is not involved in any proceedings and therefore, it shall be released to the petitioner. This submission is recorded. Respondents 2 and 3 are directed to release the above-said vehicle, on production of a copy of this judgment. For claiming damages, the petitioner may move other appropriate

forum.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS